

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Barry Harris,

Plaintiff

v.

State of Nevada,

Defendant

Case No.: 2:24-cv-01533-JAD-EJY

**Order Administratively Closing Case and
Opening Case as a Criminal Matter**

Pro se Plaintiff Barry Harris filed a Notice of Removal under 28 U.S.C. § 1455 and Federal Rule of Civil Procedure (FRCP) 11.¹ Harris also submitted an application to proceed *in forma pauperis*.² The Clerk of the Court opened this case as a prisoner civil rights lawsuit. But after reviewing Harris's notice and 28 U.S.C. § 1455, I direct the Clerk of the Court to administratively close this civil case and to open Harris's filings as a criminal matter under 28 U.S.C. § 1455.

Title 28 U.S.C. § 1455 sets forth the procedure for a criminal defendant to remove a criminal prosecution from state court to federal court.³ A defendant "desiring to remove any criminal prosecution from a [s]tate court" must file in the appropriate federal district court a notice of removal signed under FRCP 11 and meet the specified requirements set forth in the

¹ ECF No. 1-1.

² ECF No. 1

³ 28 U.S.C. § 1455(a)-(c).


1 statute.⁴ If the defendant does not meet the specified requirements set forth in the statute, the
2 federal district court may remand the case.⁵

3 Because the statute makes clear that this is a removal of a criminal case, I direct the Clerk
4 of the Court to close this civil case and open Harris's filings in a criminal case. To be clear,
5 however, I make no determination at this time whether Harris's notice of removal satisfies the
6 requirements of § 1455.

7 IT IS HEREBY ORDERED that **the Clerk of the Court is directed to:**

- 8 • **ADMINISTRATIVELY CLOSE** this case;
- 9 • **OPEN** and **FILE** Harris's filings in a new criminal matter; and
- 10 • **FILE** a copy of this order in the new criminal matter.

11 Dated: September 5, 2024

12 
13 U.S. District Judge

23 ⁴ *Id.* at § 1455(a)–(b).

⁵ *Id.* at § 1455(b)(4).